

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MANSON FISHER, JR.,)	
)	
Petitioner,)	
vs.)	Case No. CV06-S-1803-S
)	
KENNETH R. JONES, Warden;)	
ATTORNEY GENERAL OF)	
THE STATE OF ALABAMA,)	
)	
Respondents.		

ORDER

On May 3, 2007, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed without prejudice. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be and the same is hereby DISMISSED WITH PREJUDICE, because the petitioner's failure to obtain the

necessary authorization of the Eleventh Circuit Court of Appeals to file a successive petition has left this court without jurisdiction to adjudicate petitioner's claim.

DONE this 20th day of July, 2007.


United States District Judge